

### **IC 3-7-46**

#### **Chapter 46. Removal From Registration Records Due to Criminal Conviction and Incarceration**

### **IC 3-7-46-1**

#### **Removal of disfranchised voters**

Sec. 1. As permitted under 42 U.S.C. 1973gg-6(a)(3)(B) and in the manner required under 42 U.S.C. 15483, a county voter registration office shall remove from the official list of registered voters the name of a voter who is disfranchised under this chapter due to a criminal conviction.

*As added by P.L.12-1995, SEC.56. Amended by P.L.209-2003, SEC.84.*

### **IC 3-7-46-2**

#### **Imprisoned voter disfranchised**

Sec. 2. A person imprisoned following conviction of a crime is disfranchised during the person's imprisonment.

*As added by P.L.12-1995, SEC.56.*

### **IC 3-7-46-3**

#### **Removal of name if disfranchisement due to felony conviction**

Sec. 3. (a) This section applies to a person convicted of a felony in a district court of the United States.

(b) As required by 42 U.S.C. 1973gg-6(g)(5), the NVRA official shall notify the county voter registration office of the county in Indiana in which the person resides of the information provided by the United States attorney under 42 U.S.C. 1973gg-6(g)(2), 42 U.S.C. 1973gg-6(g)(3), and 42 U.S.C. 1973gg-6(g)(4).

(c) If the information provided under subsection (b) indicates that the person is disfranchised under section 2 of this chapter, the county voter registration office shall remove the name of the person from the voter registration records on an expedited basis as required by 42 U.S.C. 15483.

*As added by P.L.12-1995, SEC.56. Amended by P.L.2-1996, SEC.77; P.L.209-2003, SEC.85.*

### **IC 3-7-46-4**

#### **Department of correction to provide list of persons convicted of crimes; expiration of section**

Sec. 4. (a) Not later than the second Tuesday of each month, the department of correction shall provide the NVRA official with a list identifying each person who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a department of correction facility during the previous month.

(b) The department of correction shall provide the information required by this section electronically in a format prescribed by the commission.

(c) This section expires January 1, 2006.  
*As added by P.L.12-1995, SEC.56. Amended by P.L.2-1996, SEC.78;  
P.L.199-2001, SEC.14; P.L.209-2003, SEC.86.*

#### **IC 3-7-46-4.1**

##### **Coordination of statewide voter registration list with department of correction**

Sec. 4.1. (a) This section applies after December 31, 2005.

(b) As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the department of correction to permit a county voter registration office to cancel the registration records of disfranchised individuals on an expedited basis.

(c) The department of correction shall provide the NVRA official with a list identifying each person who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a department of correction facility during the previous month.

(d) The department of correction shall provide the information required by this section electronically in a format prescribed by the election division.

*As added by P.L.209-2003, SEC.87.*

#### **IC 3-7-46-5**

##### **Notice by NVRA official**

Sec. 5. The NVRA official shall notify the county voter registration office of each county where a person on the report resides for processing under section 8 of this chapter.

*As added by P.L.12-1995, SEC.56. Amended by P.L.2-1996, SEC.79;  
P.L.209-2003, SEC.88.*

#### **IC 3-7-46-6**

##### **County sheriff to provide list of residents**

Sec. 6. (a) Not later than:

- (1) January 31;
- (2) April 30;
- (3) July 31; and
- (4) October 31;

of each year, a county sheriff shall provide the county voter registration office with a report containing the information set forth in subsection (b) for processing under section 8 of this chapter.

(b) The list required by subsection (a) must identify each person who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a county correctional facility during the previous quarter.

*As added by P.L.12-1995, SEC.56. Amended by P.L.8-1995, SEC.35;*

*P.L.66-2003, SEC.9; P.L.209-2003, SEC.89.*

### **IC 3-7-46-7**

#### **Notice by county voter registration office**

Sec. 7. The county voter registration office shall notify the county voter registration office of each county where a person on the list resides that a voter registered in that county has been listed on the report described in section 6 of this chapter.

*As added by P.L.12-1995, SEC.56. Amended by P.L.209-2003, SEC.90.*

### **IC 3-7-46-7.5**

#### **Cancellation of registration of disfranchised person**

Sec. 7.5. If the information provided under section 5 or 6 of this chapter indicates that the person is disfranchised under section 2 of this chapter, the county voter registration office shall:

- (1) remove the name of the person from the voter registration records; and
- (2) after January 1, 2006, enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3;

on an expedited basis, as required under 42 U.S.C. 15483.

*As added by P.L.209-2003, SEC.91.*

### **IC 3-7-46-8**

#### **County voter registration office to prepare list of disfranchised persons; notice to disfranchised persons**

Sec. 8. (a) This subsection applies before January 1, 2006. On the last day of each month, each county voter registration office shall prepare a list of the names and last known addresses of all persons within the county who have been disfranchised. The county voter registration office may secure the list at any time, but not later than the twenty-ninth day before a primary, general, or municipal election.

(b) This subsection applies after December 31, 2005. Each county voter registration office shall prepare a notice to be mailed to the names and last known addresses of all persons within the county who have been disfranchised.

*As added by P.L.12-1995, SEC.56. Amended by P.L.3-1997, SEC.108; P.L.209-2003, SEC.92.*

### **IC 3-7-46-9**

#### **Notice to disfranchised person**

Sec. 9. (a) This subsection applies before January 1, 2006. Not later than thirty (30) days after preparation of the list under section 8 of this chapter, the circuit court clerk or board of registration shall send a notice to each alleged disfranchised person at the person's last known address using a form prescribed by the commission under this article.

(b) This subsection applies after December 31, 2005. After preparation of the notice under section 8 of this chapter, the county

voter registration office shall mail the notice to the alleged disfranchised person not later than the day following the day that the voter's registration has been canceled under this chapter. The notice must be mailed to each alleged disfranchised person at the person's last known address using a form prescribed by the commission under this article.

*As added by P.L.12-1995, SEC.56. Amended by P.L.2-1996, SEC.80; P.L.209-2003, SEC.93.*